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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/178,396	10/23/1998	BRIAN G MORIN	2029	4444

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EXAMINER

PRATT, CHRISTOPHER C

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 04/22/2003

25

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/178,396

Applicant(s)

MORIN ET AL.

Examiner

Christopher C Pratt

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendments and accompanying remarks filed 2/11/03 have been entered and carefully considered. Applicant's amendment is not found to patently distinguish the claims over the prior art and Applicant's arguments are not found persuasive of patentability for reasons set forth herein below.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-5, 7-11, and 13-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yahiaoui et al (5814567) in view of Zeidell (3902299), as previously set forth.

Applicant argues that Yahiaoui fails to disclose a motivation to reduce the particle release count of its wipe and fails to teach its wipe to be used in a cleanroom environment. However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken, as a whole would suggest to one of ordinary skill in the art. In re McLaughlin, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. In re Bozek, 163 USPQ 545 (CCPA) 1969. The motivation, suggestion nor teaching may come explicitly from the statements in the prior art, the knowledge of one of ordinary skill in the art, or, in some cases the nature of the problem to be solved. See

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Dembiczak, 175 F.3d at 999, 50 USPQ2d at 1617. In addition, the teaching, motivation, or suggestion may be implicit from the prior art as a whole, rather than expressly stated in the references. See WMS Gaming, Inc. v. International Game Tech., 184 F.3d 1339, 1355, 51 USPQ2d 1385, 1397 (Fed. Cir. 1999).

In this case, one having ordinary skill in the art would have found it obvious to launder the fabric of Yahiaoui because Zeidell teaches that removing lint improves the usefulness of a wipe. The skilled artisan would readily understand that the laundering process of Zeidell would increase the commercial viability of Yahiaoui's wipe by allowing to be used in cleanroom applications, as well as improving its performance in non-cleanroom applications.

Applicant argues that removing lint is not a concern with regard to diapers. This is not persuasive because Yahiaoui specifically teaches a wipe.

Alternatively, applicant argues that if the skilled person were motivated to launder the substrate of Yahiaoui they would not have subjected the wipe to the "meticulous and stringent" process of Zeidell. This argument is not persuasive because Zeidell teaches that any rag or cloth can be improved with its method (col. 1, lines 24-28 and col. 2, lines 25-30). The skilled artisan would have been motivated to utilize Zeidell's process to achieve "better results." Moreover, Zeidell's process would extend the viability and utility of Yahiaoui's wipe to cleanroom applications.

Applicant argues that the process of Zeidell focuses on nylon and Yahiaoui fails to teach nylon. This argument is not persuasive because Zeidell teaches preparing a cloth of "synthetic material (abstract)." Yahiaoui is drawn to the use of synthetic

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materials also (col. 4, lines 7-8). Zeidell only teaches nylon as a non-limiting example of a synthetic polymer and specifically teaches that other synthetic polymers are suitable (col. 1, lines 45-49). Moreover, Yahiaoui teaches the use of hydrophobic synthetic polymer materials. The examiner notes that nylon is considered a hydrophobic synthetic material.

Applicant argues that there was a long felt need for applicant's particle release count property. However, it is the examiner's position that the "meticulous and stringent" laundering process of Zeidell would result in applicant's claimed laundering process. Applicant has not disputed this position. Applicant has submitted articles analyzing particle release properties, but has failed to meet the burden of showing how these articles relate to the present invention and how the present invention solves the long felt need.

Applicant argues that the ability of the coating to attract particles is an unexpected advantage. However, Yahiaoui teaches the coated fabric to be used as a wipe. Wipes are used to remove particles, dust, dirt, and debris from a surface. A material would not be suitable as a wipe if it did not attract particles to facilitate removing them from a surface. Therefore, it is the examiner's position that Yahiaoui's fabric has the same ability to attract particles.

The examiner's use of the word tackiness in the previous rejection was merely a reference to the inherent properties of the coating. Both Yahiaoui and applicant utilize the exact same coating compositions. Applicant does not dispute this finding. Therefore, the inherent properties of applicant's coating composition would be inherent

in Yahiaoui's coating composition. The examiner notes that applicant does not teach a process of modifying the coating compositions to achieve improved particle attraction properties.

Applicant argues that the skilled artisan would not have been motivated to launder a coated fabric because there was not expectation that a coating would survive laundering. This argument is not persuasive for three reasons.

First, the skilled artisan would understand that the fabric could be laundered before the coating process. This would remove all the lint and debris from the fabric, leaving a clean surface, which would be more amenable to receive a coating.

Second, Yahiaoui specifically teaches that the fabric is made durable to survive washing (col. 4, lines 28-40). Yahiaoui begins by stating that the problem with the prior art is that fabric coatings wash off and lose wetting ability during use when exposed to fluids (col. 1, lines 30-48). Yahiaoui goes on to specifically teach that its coated fabric can be subjected to "at least ten" wash cycles, while still maintaining functionality (col. 4, lines 39-40). Indeed, the basic novelty of Yahiaoui's coated wipe is its durability, as various methods of improving coating/fabric adhesion are taught throughout the specification (col. 8, lines 5-60 and col. 9, lines 5-14). Therefore, Yahiaoui leads the person of ordinary skill in the art to have a strong expectation of successfully removing lint from the coated fabric through washing.

Finally, the skilled artisan would have found it obvious to combine these two processes. Pre-washing the fabric would remove lint to render the fabric amendable to

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coating, while post-washing would remove any debris left behind. Said rejection is maintained from the last action.

4. Claims 21-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yahiaoui et al (5814567) in view of Zeidell (3902299) and Applicant's Admitted Prior Art (AAPA), as previously set forth.

Applicant's traversal of this rejection relies on the arguments set forth above.

Said rejection is maintained.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Pratt whose telephone number is 703-305-6559. The examiner can normally be reached on Monday - Friday from 7 am to 4 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Christopher C. Pratt
April 16, 2003



TERREL MORRIS
SUPERVISORY PATENT EXAMINER
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